

REMARKS

Claims 1-11 are pending in this application. Claims 1-11 stand rejected. By this Amendment, claim 8 has been amended. The amendment to claim 8 does not alter the scope of this claim, nor has the amendment been made to define over the prior art. Rather, the amendment to claim 8 has been made to improve the form thereof. In light of the amendment and remarks set forth below, Applicant respectfully requests withdrawal of the rejection and submits that each of the pending claims is in immediate condition for allowance.

Claim 8 stands rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point and distinctly claim the subject matter which Applicant regards as the invention. Applicant has amended claim 8 to overcome the Examiner's rejection and respectfully request reconsideration and withdrawal of this rejection.

Claim 9 stands rejected under 35 U.S.C. § 112, first paragraph. The Office Action asserts that Applicant has not explained "how charges for circuit switched services can be calculated on a pre-charge basis. Circuit switched services are based upon usage. How can pre-charges for circuit switch services be calculated before they are used?" Applicant respectfully requests reconsideration and withdrawal of this rejection.

Claim 9 is directed to storing cumulative speech communication data of a circuit switching service calculating cumulative communication charges and displaying cumulative charges for circuit switching service and packet communication. Claim 9 does not recite calculating pre-charge costs for circuit switch services. As such, Applicant respectfully requests reconsideration and withdrawal of this rejection.

Claims 1-7 and 9-11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,098,878 ("Dent"). Applicant respectfully requests reconsideration and withdrawal of this rejection.

To establish a *prima facie* case of obviousness, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify a reference or combine references to arrive at the claimed subject matter. The prior art references must also teach or suggest all the limitations of the claim in question. See, M.P.E.P. § 706.02(j). A reference can only be used for what it clearly discloses or suggests. See, In re Hummer, 113 U.S.P.Q. 66 (C.C.P.A. 1957); In re Stencel, 4 U.S.P.Q.2d 1071, 1073 (Fed. Cir. 1987). Here, the references, whether taken individually or in combination, do not disclose or suggest the invention claimed by the Applicant.

Dent does not teach or suggest the invention as recited in independent claims 1 and 11. Particularly, with respect to claim 1, Dent does not teach or suggest display means for displaying a communication charge calculated on the basis of a counting result of said counting means before the packet data is transmitted. Likewise, claim 11 recites display means installed in said mobile station, for displaying the communication charge output from said calculation means before packet transmission.

The Office Action recognizes that "Dent does not expressly call for: displaying the cost of communication charge before transmitting but teaches displaying the cost of the communication charge if it exceeds a threshold". See Office Action at 2. The Office Action then asserts that "It would have been obvious to one of ordinary skill in the art at the time of the invention to display the cost of the total communication charge and not just if the costs exceeds a threshold in order for the subscriber could travel between different tariff regions and send packet message out in a region where the tariff cost for sending message is the least." See Office Action at 2. However, there is no teaching in

Dent to modify the disclosed system to provide charge pre-notification. Further, the system in Dent would have to be modified to become a charge pre-notification system.

In Dent, when communication occurs, the units used (i.e., packets) are added to the cumulative measure of communication unit usage. In other words, as transmission occurs, the number of packets transmitted is recorded. There are no means disclosed in Dent relating to counting the packets before transmission and calculating a charge based on the pre-transmission packet count. As such, Applicant respectfully requests reconsideration and withdrawal of the rejection of independent claims 1 and 11.

Claims 2-10 depend either directly or indirectly from, and contain all the limitations of claim 1. These dependent claims also recite additional limitations which, in combination with the limitations of claim 1, are neither disclosed nor suggested by Dent and are also believed to be directed towards the patentable subject matter. Thus, claims 2-10 should also be allowed.

Applicant has responded to all of the rejections and objections recited in the Office Action. Reconsideration and a Notice of Allowance for all of the pending claims are therefore respectfully requested.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

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Docket No.: Y0647.0139/P139

If the Examiner believes an interview would be of assistance, the Examiner is welcome to contact the undersigned at the number listed below.

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Respectfully submitted,

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